



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Cr1.O.P.(MD)No.5137 of 2018

J.Balaganesan

... Petitioner / Accused No.1

-Vs-

1.State represented by

The Assistant Commissioner of Police,
Tirunelveli City,
Tirunelveli District.

2.The Inspector of Police,

Tirunelveli Medical College Police Station,
Tirunelveli City.
(Crime No.30 of 2018)

... Respondents 1 and 2

3.Kumar

... 3rd Respondent / De facto Complainant

Prayer: Criminal Original petition - filed under Section 482 of Code of Criminal Procedure, to direct the learned II Additional Sessions Judge, (PCR Court), Tirunelveli, Tirunelveli District to consider the petitioner bail application on the date of surrender on the same day in Cr.No.30 of 2018 on the file of the Tirunelveli Medical College Police Station, Tirunelveli City.

For Petitioner : Mr.V.Kathirvelu
Senior Counsel
for Mr.K.Prabhu

For R-1 & R-2 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the learned II Additional Sessions Judge, (PCR Court), Tirunelveli, Tirunelveli District to consider the petitioner bail application on the date of surrender on the same day in Crime No.30 of 2018 on the file of the Tirunelveli Medical College Police Station, Tirunelveli City.

2. Heard the learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the first and second respondents.



3. According to the petitioner, a case in Crime No.30 of 2018 has been registered on the file of the Inspector of Police, Tirunelveli Medical College Police Station, Tirunelveli, for the offences punishable under Sections 147, 148, 447, 294(b), 324, 302, 506(2) and 120B IPC and Sections 3 and 4(a) of the Explosive Substances Act, 1908, r/w Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and Section 3(2)(v) of the SC/ST (PREVENTION OF ATROCITIES) Act, 1989 against the accused persons.

4. The learned Senior Counsel appearing for the petitioner submitted that a perusal of the FIR would show that there were three named accused and six unnamed accused. The petitioner has been arrayed as Accused No.1. On 26.02.2018, about 07.45 p.m., six unnamed persons unlawfully entered into the de facto complainant's house and threatened to withdraw the Civil case filed against him. The present petition has been filed to consider the bail application on the date of surrender before the Court below for the aforesaid crime by the petitioner.

5. The learned Additional Public Prosecutor strongly objected that the case has been registered under Sections 302 and 506(ii) IPC, the Explosive Substances Act and also the SC/ST Act. The petitioner has been arrayed as A1. Hence, the prayer in this Criminal Original Petition cannot be granted.

6. Considering the nature of the offence in the First Information Report and the petitioner has been arrayed as accused No.1, the prayer sought for by the petitioner in this Criminal Original Petition cannot be granted. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.Second Additional Sessions Judge,
(PCR Court),
Tirunelveli, Tirunelveli District.

2.The Assistant Commissioner of Police,
Tirunelveli City,
Tirunelveli District.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The Inspector of Police,
Tirunelveli Medical College Police Station,



Tirunelveli City.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.K.Prabhu, Advocate SR.No. 59937

Order made in
Cr1.O.P. (MD) No.5137 of 2018

Dated:
04.04.2018

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JM/SV MMS/SAR 1/13.04.2018/3P/6C